

THE CALIFORNIA COASTAL ACT

STATE OF CALIFORNIA
CALIFORNIA COASTAL COMMISSION



Q *What is the California Coastal Act?*

The California Coastal Act (California Public Resources Code sections 30000 et seq) was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline for the benefit of current and future generations. The Coastal Act created a unique partnership between the State (acting through the California Coastal Commission) and local government (15 coastal counties and 58 cities) to manage the conservation and development of coastal resources through a comprehensive planning and regulatory program. The 1976 Act made permanent the coastal protection program launched on a temporary basis by a citizens' initiative that California voters approved in November 1972 (Proposition 20 — the "Coastal Conservation Initiative"). The Act's coastal resources management policies and governance structure are based on recommendations contained in the California Coastal Plan called for by Proposition 20 and adopted by the Coastal Commission in 1975 after three years of planning and hundreds of public hearings held throughout the State. ¶

Q *What are Coastal Act policies?*

Coastal Act policies, the heart of California's coastal protection program, constitute the standards



used by the Coastal Commission in its coastal development permit decisions and for the review of local coastal programs (LCPs) prepared by local governments and submitted to the Commission for approval. These policies are also used by the Commission to review federal activities that affect the coastal zone. Coastal cities and counties must incorporate these policies into their individual LCPs. The policies require:

- Protection and expansion of public access to the shoreline and recreational opportunities and resources; including commercial visitor-serving facilities.
- Protection, enhancement and restoration of environmentally sensitive habitats, including intertidal and nearshore waters, wetlands, bays and estuaries, riparian habitat, certain wood and grasslands, streams, lakes, and habitat for rare or endangered plants or animals;

- Protection of productive agricultural lands, commercial fisheries and archaeological resources;
- Protection of the scenic beauty of coastal landscapes and seascapes;
- The establishment, to the extent possible, of urban-rural boundaries and directing new housing and other development into areas with adequate services to avoid wasteful urban sprawl and leapfrog development;
- Provision for the expansion, in an environmentally sound manner, of existing industrial ports and electricity-generating powerplants, as well as for the siting of coastal-dependent industrial uses; and
- Protection against loss of life and property from coastal hazards. ¶

Q *How big is the coastal zone?*

From the redwood forests in the north to its warm, sunny beaches in the south, California's coastline is characterized by great variety and richness of landscapes, landforms, natural habitats and human settlements. Excluding San Francisco Bay, which has its own (the world's first) coastal management program, the California coast stretches some 1,100 miles from Oregon to the border with Mexico, and includes approximately 287 miles of shoreline around 9 offshore islands. In 1976, the Legislature

specifically mapped the inland boundary of the coastal zone. These maps are on file with the Commission and the Secretary of State. The coastal zone encompasses some 1.5 million acres of land and reaches from 3 miles at sea to an inland boundary that varies from a few blocks in the more urban areas of the State to about 5 miles in less developed regions. ❧

Q *What are Local Coastal Programs and how do they work?*

Local Coastal Programs (LCPs) are the basic planning tools used to carry out the partnership between the State and local government as stewards of California's spectacular and precious natural treasure — its 1,100 mile coastline. LCPs identify the location, type, densities and other groundrules for future development in the coastal zone portions of the 73 cities and counties along the coast. Each LCP includes a land-use plan and its implementing measures (e.g., zoning ordinances). Prepared by local government, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. While each LCP reflects unique characteristics of individual local coastal communities, regional and statewide interests and concerns must also be addressed in conformity with Coastal Act goals and policies. Working with local government, the Coastal Commission helps shape each LCP and then formally reviews them for consistency with Coastal Act standards.

Many of the 73 coastal counties and cities have elected to divide their coastal zone jurisdictions into segments, resulting in 126 separate LCPs. As of September 1995, 65% (82)

of the segments have been certified and local governments are issuing coastal permits in these areas. To determine the status of the LCP in the coastal area you are interested in, contact the appropriate district office of the Commission.

After an LCP has been finally approved, the Commission's coastal permitting authority over most new development is transferred to the local government. The Commission retains permanent coastal permit jurisdiction over development proposed on the immediate shoreline (tidelands, submerged lands, and public trust lands). It also hears appeals from certain local government coastal permit decisions, and must review and approve any amendments to previously certified LCPs. Between April 1982 and July 1995, 9,821 of the 14,774 locally approved coastal permits reported to the Commission were appealable. Of these, only 3.2% (313) were appealed. ❧

Q *Does the Coastal Commission have other permanent responsibilities?*

Yes. The Coastal Commission must also do all of the following:

- In partnership with the State Coastal Conservancy, implement a coastal public access program that protects and improves the ability of Californians and visitors to use and enjoy the coast. As part of this public access program, the Commission has prepared the California Coastal Access Guide — see your bookdealer or call 1-800-UCBOOKS;
- Review and decide permits for new development in areas where the Commission retains coastal permitting authority;
- Hear and decide appeals from coastal development permit decisions of local governments;
- Review all amendments to previously approved land use plans prepared by cities and counties, industrial ports, and certain public and private universities located in the coastal zone;
- Review and act on all federal activities that affect coastal resources, including federally permitted, funded or initiated projects (i.e., offshore oil and gas development beyond the State's three mile jurisdiction, highway projects, dredging projects, developments on military bases or in national parks, forests, or other federal lands), to ensure their consistency with California's federally-approved Coastal Management Program (i.e., the Coastal Act);
- Periodically review each certified LCP to determine if Coastal Act goals and policies are being effectively implemented in light of changing needs and circumstances;
- Carry out law enforcement duties to prevent Coastal Act violations;
- Together with the State Office of Oil Spill Prevention and Response, carry out work to protect against and respond to oil spills on the coast;
- Establish and maintain a Coastal Resource Information Center as a central clearinghouse for information relating to coastal and ocean resources management issues and research. The Commission has prepared the California Coastal Resources Guide — see your bookdealer or call 1-800-UCBOOKS;
- Carry out a public education and involvement program relating to coastal environmental protection that includes the annual "Beach Clean-up Day", the ongoing

"Adopt-A-Beach Program", and teacher training in the K-12 "Save Our Seas" curriculum;

- Working with state's water quality control agencies, implement a strategy to reduce the pollution of coastal waters from non-point sources (i.e., storm runoff, construction sites, agriculture); and
- Carry out various other coastal and ocean planning and management functions. ☞

Q *How has coastal development been affected?*

Since the Coastal Commission was created by citizen initiative in 1972 (Proposition 20), economic development has continued on the coast, but it has been located, designed and carried out in a way that is environmentally sustainable and consistent with the Coastal Act. While over 95 percent of all coastal development permit applications reviewed by the Commission are approved, many include conditions to bring projects into compliance with Coastal Act policies. Since over 65% of coastal local governments now (as of September 1995) have fully certified LCPs (covering some 86% of the geographic area of the coastal zone), most coastal permits are issued at the local level. ☞

Q *What types of development require a coastal development permit?*

Under the Coastal Act, new development which requires a coastal development permit either from the Commission or the appropriate local government includes, but is not limited to, any " ... change in the density or intensity of use of land ... [and] change in the intensity of use of

water, or of access thereto...." However, many types of development are exempt from coastal permitting requirements (i.e., most repairs and improvements to single-family homes; certain types of development in areas subject to "categorical exclusions"; certain "temporary events"; under specified conditions, the replacement of any structure destroyed by natural disaster). If you have questions about whether a certain new development project needs a coastal permit, contact the Commission or the local government with jurisdiction over the property on which the project is proposed. Commission staff is available to help you. ☞

Q *How does one apply for a coastal development permit?*

Any person, including any private or public entity with the legal ability to carry out the development project, seeking to undertake a development in the coastal zone should check with the appropriate Commission office (see list below) to find out whether a coastal permit is required. Commission staff will explain the process and assist applicants in completing any necessary paperwork. If the project is in a city or county that is issuing its own coastal permits, Commission staff will refer the applicant to the appropriate local building or planning department. ☞

Q *Who are the members of the Coastal Commission and where does the Commission meet?*

The California Coastal Commission has 12 voting and 4 nonvoting members. The voting members are appointed equally (i.e., 4 each) by the Governor, the

Rules Committee of the state Senate, and the Speaker of the state Assembly. Six of the voting members are "public" members representative of the public at large and six are locally elected officials (i.e., county supervisors or city council persons) representative of the local governments in each of six coastal regions as specified in the Coastal Act (North, North Central, Central, South Central, South, and San Diego). Each Commissioner may appoint an alternate to serve during his or her absence. The Secretaries of the California Resources Agency and the Business and Transportation and Housing Agency, the Chairperson of the State Lands Commission, and the Director of the Trade and Commerce Agency serve as nonvoting members and may appoint a designee to serve in their absence. Voting members serve two-year terms but may be reappointed or they may be replaced, at the option of the appointing authority, at any time.

The Commission must meet at least once a month in a location that is convenient to the public having an interest in matters coming before the Commission. Given the workload, the Commission usually meets for three or four days at a time in various coastal communities, generally alternating between northern and southern California. Because its yearly calendar is set a year in advance and because certain statutory time limits must be met for action on permit and planning matters, it is not always possible for the Commission to hear particular issues in the affected area. When possible, the Commission tries to schedule controversial items in a location convenient to the affected communities. ☞

Q *What is the Commission's authority over federal*

activities and offshore oil development?

The Commission has direct permitting responsibilities over all offshore oil and gas development activity within the State's three mile jurisdiction. It is the only state agency in California with regulatory authority over all federally permitted or funded projects as well as those directly undertaken by federal agencies (i.e., the Navy, Air Force, Corps of Engineers, National Park Service) that affect the state's coastal zone resources. This includes the leasing, exploration, development, and production of offshore oil and gas resources in federal waters (i.e., beyond the State's 3-mile limit). The Commission's authority (called "federal consistency review") comes from the Federal Coastal Zone Management Act (CZMA) enacted by Congress and the President in 1972 and periodically re-authorized since then. After California's Coastal Management Program (CCMP) was approved by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce pursuant to the CZMA in 1977, all federal activities affecting coastal zone resources became subject to the Commission's regulatory jurisdiction.

The Commission has had a significant effect on offshore oil and gas development along the California coast. It has sought to restrict offshore development to areas with the on-shore infrastructure to support it. It has insisted on strict oil spill prevention and clean-up measures, the consolidation of facilities and the transport of products by pipeline rather than marine tankers. Since 1978, the Commission has approved the installation of 15 new platforms in federal waters. Of these, 12 have been installed and have, through 1995, produced 269,419,432 barrels of crude oil to meet the

Nation's need for petroleum products.

Through its "federal consistency review" authority, the Commission has provided other State agencies and local coastal communities an effective means to address their concerns over the impact of federal activities on coastal resources, such as military activities on coastal recreation and marine mammals and the impacts of federal highway projects on coastal forests, wetlands, and other natural resources. ☼

Q *What are the Commission's major accomplishments?*

The Commission's most important achievements are often the things one cannot see — public access not blocked, wetlands not filled, coastal views not lost, and coastal agricultural lands not converted to other uses. Similarly, many other positive effects of the program are not measurable or quantifiable, such as changed attitudes among public officials at all levels who now embrace coastal management. Prior to 1972, the coast was threatened by unplanned, leapfrog development. Now new development is better planned, of higher quality, more orderly and promotes long-term public benefits associated with coastal conservation.

Increased public awareness and involvement in coastal protection activities, from volunteers at marine mammal rehabilitation centers to participation in the Commission's Adopt-A-Beach and annual Beach Clean-up Day have also improved the quality of the coastal environment. Public education programs in California schools have contributed to a better understanding of the need for careful stewardship of coastal resources. An example is the

campaign to stop the dumping of paints, motor oil and other pollutants into drains that end up in the ocean. Other visible accomplishments include the many new visitor-serving facilities, public beach accessways and trails that have been built along the coast. Industrial port developments have been approved in existing ports and no new ports have been permitted. Highway One has been retained as a highly scenic two-lane roadway attracting visitors from around the country and the world. Public lands along the coast have been expanded for recreational uses and wildlife conservation. ☼

Q *Why, after 25 years, do we still need a Coastal Commission and how has the coastal management program kept pace with the changing economy and needs of California?*

California's population continues to grow as does the pressure for new coastal development. 80% of its residents live within an hour's drive of the seashore. The coast, like any other special geography that is beautiful, unique and in great demand by different interests, is never "finally" saved, but always in the process of being protected. It is and will continue to be a magnet for conflict so long as intense competition among its users exists. That is why long-term coastal management is needed.

The Coastal Act recognizes the coastal zone as a dynamic region — an area where demands and needs vary as social, economic and environmental circumstances change over time. The Act is in many ways a "living" charter that can adjust to evolving needs. It contains a set of principles that endure over time and a process that can be adapted to evolving needs and circumstances. For

example, the protection of public beach access and sensitive coastal habitats and environmental quality will always be important to Californians. These principles, firmly grounded in Coastal Act policies, will be applicable decades from now to guide future planning decisions. Like any land use plan, an LCP can be amended if the local governing body thinks it should be changed. The public must be involved in that process, and can shape the outcome. Typically, the Commission reviews over 50 LCP amendments each year. ☼

Q *How can I become more directly involved in protecting the coast?*

There are many ways in which you can become involved. Numerous local, regional and statewide organizations welcome public participation in their various coastal oriented programs and activities. You can contact the Commission's Public Education Program for a directory of such organizations and programs for several coastal regions of the State. Different activities include the annual "Beach Clean-up Day" in September, the Commission-sponsored year-around "Adopt-A-Beach" program, volunteering as a docent in one of many natural areas of interest on the coast, joining "Beach Watch" (Gulf of the Farallones National Marine Sanctuary in San Francisco) and similar activities sponsored by the National Marine Sanctuaries program. You can also make a significant contribution to coastal environmental protection by buying a special artistic coastal theme license plate for your automobile. The coastal plate is illustrated with a painting by environmental artist Wyland, which features a whale's tail gracefully descending into a misty ocean. Much of the plate fee is tax deductible. Call **1-800-**

COAST4U for more information. ☼

Q *Where can I get more information about coastal management and coastal resources in California?*

You can call or write the Commission at any of the offices listed below. You can also visit the Commission's Internet webpage at <http://www.ceres.ca/coastalcomm/web/index.html>

STATE OFFICE

California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5200

CAPITOL OFFICE

California Coastal Commission
926 "J" Street, Suite 416
Sacramento, CA 95814
(916) 445-6067

DISTRICT OFFICES

North Coast Area Office
(DEL NORTE, HUMBOLDT, MENDOCINO,
SONOMA, MARIN, SAN FRANCISCO, SAN
MATEO COUNTIES)
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
(415) 904-5260

Central Coast Area Office
(SAN LUIS OBISPO, MONTEREY AND
SANTA CRUZ COUNTIES)
725 Front Street, Suite 300
Santa Cruz, CA 95060-4508
(831) 427-4863

South Central Coast Area Office
(VENTURA, SANTA BARBARA AND MALIBU
PORTIONS OF LOS ANGELES COUNTIES)
89 South California Street
Suite 200
Ventura, CA 93001-2801
(805) 641-0142

South Coast Area Office
(LOS ANGELES AND ORANGE COUNTIES)
200 Oceangate, 10th Floor
Long Beach, CA 90802
(562) 590-5071

San Diego Coast Area Office
(SAN DIEGO COUNTY)
3111 Camino Del Rio North
Suite 200
San Diego, CA 92108-1725
(619) 521-8036

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